



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,277	11/02/2001	Kiem-Phong Vo	1999-0707	2466

26652 7590 08/02/2005

AT&T CORP.  
P.O. BOX 4110  
MIDDLETOWN, NJ 07748

EXAMINER
----------

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/002,277

Applicant(s)

VO, KIEM-PHONG

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 05/13/05.
2. Claims 1, 11 and 22 were amended.
3. Claims 1-31 are pending in this office action.

### ***Response to Amendment***

4. Applicant's arguments filed 05/13/05 have been fully considered but are moot in view of the new ground(s) of rejection. The examiner notes the new grounds of rejection are based on art previously cited in the previous office action (2/14/05).
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 and 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,792,458 by Muret et al. (Muret).

8. With respect to Claim 1, Muret teaches a method for providing data traffic status of a network, comprising: monitoring data traffic over the network via a device (Col. 3 line 60-63; generally system 100) not directly connected to a first local area network of a traffic source (Col. 15 lines 23-50 and Col. 16 lines 1-9: The device includes a DNS resolver which indicates the source of the traffic which may be any arbitrary network separate from the network to which the device is directly connected), the device not directly connected to a second local area network (Col. 29 lines 27-47: if the invention is implemented on a dedicated box, the location of the device is arbitrary as long as the site is "accessible to the dedicated computer" by using ftp for example), wherein the data traffic includes at least one of data and voice traffic (Col. 3 line 64 - Col. 4 line 30); determining a traffic level of at least one site of the network (Col. 4 lines 31-55 and Col. 5 lines 4-17), wherein the second local area network comprises the at least one site (Col. 3 line 64 - Col. 4 line 6, Col. 29 line 49-62 and Col. 30 lines 18-27: A site would be located on the provider/hosting network.); and selectively displaying traffic information to a subscriber (Col. 18 lines 49-55 and Col. 21 lines 30-60) not directly connected to the first local area network, the second local area network, or the device (Col. 18 lines 38-55: The reports are web-based and can therefore be accessed through any access point connected to the internet, which would could points "not directly connected to the first local area network, the second local area network, or the device"), the traffic information based on the traffic level (Col. 18 lines 49-55 and Col. 21 lines 30-60, also col. 21 - Col. 29 discusses various examples of reports related to traffic level).

9. With respect to Claim 2, Muret teaches all the limitations of Claim 1 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (Col. 4 lines 49-53 and Col. 27 lines 33-43).

10. With respect to Claim 3, Muret teaches all the limitations of Claim 2 and further teaches the plurality of sites share a common attribute (Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

11. With respect to Claim 4, Muret teaches all the limitations of Claim 3 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

12. With respect to Claim 5, Muret teaches all the limitations of Claim 1 and further teaches wherein determining the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record (Col. 15 lines 16-43).

13. With respect to Claim 6, Muret teaches all the limitations of Claim 5 and further teaches wherein the historical data traffic record is data traffic to the at least one site for a preceding period of time (Col. 15 lines 16-43).

14. With respect to Claim 7, Muret teaches all the limitations of Claim 1 and further teaches wherein monitoring the data traffic over the network further includes obtaining an originating address (Col. 4 lines 40-43) and a destination address (Col. 9 lines 20-29) for the traffic over the network (Col. 3 lines 60-67).

15. With respect to Claim 8, Muret teaches all the limitations of Claim 1 and further teaches wherein the originating address and destination address are obtained from a portion of the data traffic traveling over the network (Col. 4 line 40-43, Col. 9 lines 20-29 and Col. 3 lines 60-67).

16. With respect to Claim 9, Muret teaches all the limitations of Claim 1 and further teaches wherein the traffic information includes at least an address of the at least one site (Col. 9 lines 20-29).

17. With respect to Claim 10, Muret teaches all the limitations of Claim 9 and further teaches wherein the traffic information further includes a rate of the data traffic of the at least one site (Col. 27 lines 15-23).

18. With respect to Claim 22, Muret teaches a device that provides data traffic status of a network comprising: a network interface (Col. 3 lines 60-67 and Col. 29 lines 26-47); a subscriber database that stores information related to subscribers (Col. 19 lines 56-64); a controller, coupled to the network interface and the subscriber database, that monitors data traffic over the network. (Col. 3 line 60-63; generally system 100), the controller not directly connected to a first local area network of a traffic source (Col. 15 lines 23-50 and Col. 16 lines 1-9: The device includes a DNS resolver which indicates the source of the traffic which may be any arbitrary network separate from the network to which the device is directly connected) the device not directly connected to a second local area network (Col. 29 lines 27-47: if the invention is implemented on a dedicated box, the location of the device is arbitrary as long as the site is "accessible to the dedicated computer" by using ftp for example) comprising the at least one site (Col. 3

Art Unit: 2155

line 64 - Col. 4 line 6, Col. 29 line 49-62 and Col. 30 lines 18-27: A site would be located on the provider/hosting network.), wherein the controller selectively displays traffic information to at least one subscriber based on the traffic level (Col. 18 lines 49-55 and Col. 21 lines 30-60), wherein the data traffic includes at least one of data and voice traffic (Col. 3 line 64 - Col. 4 line 30), wherein the subscriber is not directly connected to the first local area network, the second local area network, or the controller (Col. 18 lines 38-55: The reports are web-based and can therefore be accessed through any access point connected to the internet, which would could points "not directly connected to the first local area network, the second local area network, or the controller").

19. With respect to Claim 23, Muret teaches all the limitations of Claim 22 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (Col. 4 lines 49-53 and Col. 27 lines 33-43).

20. With respect to Claim 24, Muret teaches all the limitations of Claim 23 and further teaches the plurality of sites share a common attribute (Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

21. With respect to Claim 25, Muret teaches all the limitations of Claim 24 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

22. With respect to Claim 26, Muret teaches all the limitations of Claim 22 and further teaches a network traffic memory coupled to the controller, wherein determining the

Art Unit: 2155

traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record stored in the network traffic memory (Col. 15 lines 16-43).

23. With respect to Claim 27, Muret teaches all the limitations of Claim 26 and further teaches wherein the historical data traffic record is data traffic to the at least one site for a preceding period of time (Col. 15 lines 16-43).

24. With respect to Claim 28, Muret teaches all the limitations of Claim 22 and further teaches wherein monitoring the data traffic over the network further includes obtaining an originating address (Col. 4 lines 40-43) and a destination address (Col. 9 lines 20-29) for the traffic over the network (Col. 3 lines 60-67).

25. With respect to Claim 29, Muret teaches all the limitations of Claim 28 and further teaches wherein the originating address and destination address are obtained from a portion of the data traffic traveling over the network (Col. 4 line 40-43, Col. 9 lines 20-29 and Col. 3 lines 60-67).

26. With respect to Claim 30, Muret teaches all the limitations of Claim 22 and further teaches wherein the traffic information includes at least an address of the at least one site (Col. 9 lines 20-29).

27. With respect to Claim 31, Muret teaches all the limitations of Claim 30 and further teaches wherein the traffic information further includes a rate of the data traffic of the at least one site (Col. 27 lines 15-23).



28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muret in view of U.S. Patent 6,836,800 by Sweet et al. (Sweet).

30. With respect to Claim 11, Muret teaches a method for notifying a subscriber of traffic flow to one or more sites on a network, comprising: monitoring data traffic to the one or more sites over the network via a device (Col. 3 line 60-63; generally system 100) not directly connected to a first local area network of a traffic source (Col. 15 lines 23-50 and Col. 16 lines 1-9: The device includes a DNS resolver which indicates the source of the traffic which may be any arbitrary network separate from the network to which the device is directly connected), wherein the data traffic includes at least one of data and voice traffic (Col. 3 line 64 - Col. 4 line 30); generating a traffic report according to an amount of data traffic of at least one or more of the sites on the network (Col. 4 lines 31-55, Col. 5 lines 4-17 and Col. 27 lines 15-23) wherein the second local area network comprises the at least one or more sites (Col. 3 line 64 - Col. 4 line 6, Col. 29 line 49-62 and Col. 30 lines 18-27: A site would be located on the provider/hosting network.); and transmitting the traffic report to the subscriber (Col. 18 lines 49-55 and Col. 27 lines 15-23), the subscriber not directly connected to the first local area network, the second local area network, or the device (Col. 18 lines 38-55: The reports are web-based and can therefore be accessed through any access point connected to the

internet, which would could points "not directly connected to the first local area network, the second local area network, or the device").

Muret does not explicitly disclose generating a traffic report or notification when an amount of data traffic to the at least one or more sites on the network meets at least one predetermined threshold. Sweet teaches generating a traffic report or notification when an amount of data traffic to the at least one or more sites on the network meets at least one predetermined threshold (Col. 2 line 55 - Col. 3 line 3, Col. 5 lines 26-48 and Col. 6 lines 3-17). Use of thresholds for traffic notifications allows for detection of unusually high data traffic, possibly due to malfunction or unauthorized use of the network (Col. 2 line 55 - Col. 3 line 3), in order to ensure network resources are performing satisfactorily (Col. 1 lines 12-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Muret and modify it as indicated by Sweet such that the method further comprises generating a traffic notification when an amount of data traffic to at least one or more of the sites on the network meets at least one predetermined threshold. One would be motivated to have this, as there is desire to ensure network and computing resource perform satisfactorily and in accordance with end-user needs (In Sweet: Col. 1 lines 12-26).

31. With respect to Claim 12, Muret in view of Sweet teaches all the limitations of Claim 11 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (In Muret: Col. 4 lines 49-53 and Col. 27 lines 33-43).

Art Unit: 2155

32. With respect to Claim 13, Muret in view of Sweet teaches all the limitations of Claim 12 and further teaches the plurality of sites are generally related to each other (In Muret: Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

33. With respect to Claim 14, Muret in view of Sweet teaches all the limitations of Claim 13 and further teaches the plurality of sites share a common attribute (In Muret: Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

34. With respect to Claim 15, Muret in view of Sweet teaches all the limitations of Claim 14 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (In Muret: Col. 10 line 50- Col. 11 line 8, Col. 29 lines 5-16).

35. With respect to Claim 16, Muret in view of Sweet teaches all the limitations of Claim 11 and further teaches wherein monitoring the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record (In Muret: Col. 15 lines 16-43).

36. With respect to Claim 17, Muret in view of Sweet teaches all the limitations of Claim 16 and further teaches wherein the historical data traffic record is data traffic to the at least one site for a preceding period of time (In Muret: Col. 15 lines 16-43).

37. With respect to Claim 18, Muret in view of Sweet teaches all the limitations of Claim 11 and further teaches wherein monitoring the data traffic over the network further includes obtaining an originating address (In Muret: Col. 4 lines 40-43) and a destination address (In Muret: Col. 9 lines 20-29) for the traffic over the network (In Muret: Col. 3 lines 60-67).

38. With respect to Claim 19, Muret in view of Sweet teaches all the limitations of Claim 18 and further teaches wherein the originating address and destination address are obtained from a portion of the data traffic traveling over the network (In Muret: Col. 4 line 40-43, Col. 9 lines 20-29 and Col. 3 lines 60-67).

39. With respect to Claim 20, Muret in view of Sweet teaches all the limitations of Claim 11 and further teaches wherein the traffic information includes at least an address of the at least one site (In Muret: Col. 9 lines 20-29).

40. With respect to Claim 21, Muret in view of Sweet teaches all the limitations of Claim 20 and further teaches wherein the traffic information further includes a rate of the data traffic of the at least one site (In Muret: Col. 27 lines 15-23).

### ***Response to Arguments***

41. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

43. Jenkins, R. "Why Web-based Network Monitoring? Leveraging the Platform" John Wiley & Sons, Inc., International Journal of Network Management, Vol. 9, Issue 3, May-June 1999, pp. 175-183. Discloses an overview of web-based network monitoring including networking monitoring of disparate networks (See Fig. 1).

44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

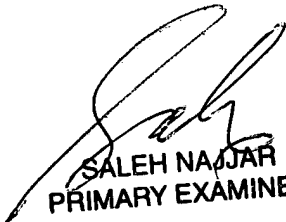
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro  
July 28, 2005



SALEH NAJJAR  
PRIMARY EXAMINER